

JUDGE BATTSUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKX
RUSSELL D. COPELAND*Filed Electronically*
07 CIV 8044
Civ.

Plaintiff,

-against-

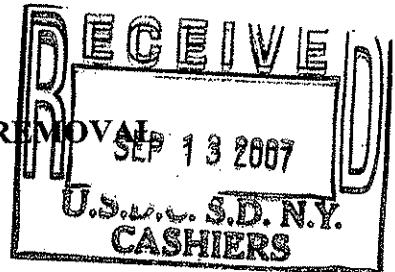
THE VERTICAL ATMOSPHERE INC. and
TAYFUN HEKIUM

Defendants

X

NOTICE OF REMOVAL

SEP 13 2007



PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. 1441, defendants, THE VERTICAL ATMOSPHERE INC. and TAYFUN HEKIUM, hereby remove the above-captioned action from the Supreme Court of the State of New York, Bronx County, to the United States District Court for the Southern District of New York. Defendants appear for the purpose of removal only and for no other purpose and reserve all defenses available to them.

Defendants allege as follows:

1. Plaintiff has purported to commence the above-captioned action against the defendants in the Supreme Court of the State of New York, Bronx County. The defendants received a copy of the summons and complaint on August 24, 2007. (Copy of summons and complaint attached as Exhibit A) That said action is now pending in the Supreme Court of the State of New York, Bronx County; that this Notice is being filed within thirty (30) days after the receipt of such initial pleading, pursuant to 28 U.S.C. 1446 (b).

2. The Summons and Verified Complaint constitutes all process and pleading in the state court action to date. (Exhibit A)

3. Plaintiff's complaint alleges that plaintiff was not paid for overtime compensation in violation of the FLSA 29 U.S.C. § 216(b) (Exhibit A, fourth claim for relief).

4. The above-captioned action, therefore, is one of which this Court has original jurisdiction under the provisions of 29 U.S.C. § 216(b) and is one which may be removed to this Court by the defendants herein pursuant to the provisions of 28 U.S.C. § 1441(a), in that it is a civil action in which the district courts have original jurisdiction founded on a claim or right arising under the constitution, treaties or laws of the United States.

5. Defendants will promptly file a copy of this Notice in the Supreme Court of the State of New York for the County of Bronx, and will serve a copy of this Notice on counsel for plaintiff, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that the above-captioned action now pending against it in the Supreme Court of the State of New York for the County of Bronx be removed from there to this Court.

Dated: New York, New York
September 13, 2007

Yours, etc.
GALVANO & XANTHAKIS, P.C.

By: _____
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